

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
v.) Case No. 1:19cr22
WAQAR UL-HASSAN,)
Defendant)

MOTION FOR EARLY TERMINATION OF PROBATION

Waqar Ul-Hassan respectfully moves this Court pursuant to 18 U.S.C. § 3564(c) for an order terminating his probation prior to its expiration. Mr. Ul-Hassan desires to return to his home country of Pakistan and reside with his wife and nine-year-old daughter. He owns a house in Pakistan to which he plans to return. He also owns a commercial building where he operated a store in the past that he intends to reopen if allowed to return to Pakistan.

Mr. Ul-Hassan began his five-year term of probation on October 28, 2019. Presently, Mr. Ul-Hassan has served 43 months of this term (approximately 72%). He is expected to end his probation in October 2024.

Mr. Ul-Hassan is being supervised by U.S. Probation Officer Matt Neese of this Court. United States Probation Officer Neese reports that Mr. Ul-Hassan has been compliant with all conditions of his probation. Officer Neese further indicated to the Federal Defender's Office that he does not oppose Mr. Ul-Hassan's request for early termination of probation.

Before determining whether early termination of probation is warranted by the conduct of the defendant and the interest of justice, § 3564(c) requires that courts consider the sentencing factors laid out in 18 U.S.C. § 3553. Mr. Ul-Hassan satisfies the sentencing factors.

Background

Mr. Ul-Hassan was born in Pakistan, moved to Brooklyn, New York with his family in 1999, and became a naturalized citizen of the United States in 2002. He also retains citizenship in Pakistan. Waqar and his family moved to Glade Spring, Virginia in 2008 or 2009, and he has lived in southwest Virginia or Pakistan since then.

On April 29, 2019, a criminal complaint was filed, charging Mr. Ul-Hassan with making false statements involving international terrorism, and he was arrested on April 30, 2019. He was indicted on those charges on May 15, 2019, and entered into a plea agreement on August 7, 2019. Mr. Ul-Hassan was released on bond June 18, 2019 on pretrial supervision, and remained on bond without incident until he was sentenced on October 28, 2019. On that date, the court imposed a sentence of five years probation. He has been under the purview of the court since April 30, 2019, a period of over four years. During that time Mr. Ul-Hassan has performed well, complying with all his obligations and responsibilities. He has maintained employment and resided with family members in the area. Recently his sister with whom he has been living has informed him that he must find alternate housing.

Applicable Law

18 U.S.C. §3564(c) authorizes a court, after considering the sentencing factors laid out in 18 U.S.C. § 3553, to terminate an individual's term of probation early if 1) the defendant served at least one year of their term of probation and 2) the court is "satisfied that such termination is warranted by the conduct of the defendant released and the interest of justice."

As an initial matter, Mr. Ul-Hassan has completed more than one year of probation, so he is eligible for early termination under 18 U.S.C. §3564(c). To date, he has successfully completed more than 43 months (72%) of his 60-month term. Mr. Ul-Hassan's conduct during his over three and a half years of probation, the sentencing factors under 18 U.S.C §3553, and the interests of justice, support early termination of probation.

Conclusion

Since he began his term of probation, Mr. Ul-Hassan has successfully complied with the terms and conditions of probation, maintained a job, lived with his extended family and has dedicated himself to complying with all terms so that he can return to Pakistan to reunite with his wife and daughter. His probation officer confirms that he has complied with all the conditions of his probation. None of the factors listed in 18 U.S.C. §§ 3553 and 3564 necessitate the continuation of probation.

Mr. Ul-Hassan respectfully submits that early termination of probation is in the interests of justice and will allow him to re-unite with his family in Pakistan, and that his request for early termination should be granted.

Respectfully submitted,

Waqar Ul-Hassan
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was electronically filed and will be forwarded to the Assistant United States Attorney, this 5th day of June, 2023.

s/Nancy Dickenson-Vicars